

Appln. Serial No. 09/960,008
Amendment Dated September 18, 2007
Reply to Office Action Mailed July 18, 2007

REMARKS

In the Office Action dated July 18, 2007, claims 16-23 were objected to; claims 1, 3, 6, 8, and 30 were rejected under 35 U.S.C. § 103 over U.S. Patent Application Publication No. 2002/0057653 (Dolan) alone; and claims 4, 5, 7, 9, and 12-32 were rejected under § 103 over Dolan in view of U.S. Patent Application Publication No. 2006/0148511 (Bender).

CLAIMS OBJECTIONS

It is respectfully submitted that use of the term “adapted to” is proper and does convey an express limitation. However, to remove this issue from the present case, the term “adapted to” has been deleted from each of claims 16-23. This amendment does not change the scope of the claims.

Withdrawal of the objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Each of the independent claims was rejected as being obvious over Dolan alone.

Note that independent claim 24 recites an article comprising at least one storage medium containing instructions that when executed cause a first base station system to:

- exchange signaling according to a first protocol with a mobile station to establish a packet-switched communications session between the mobile station and another endpoint;
- determine if a handoff is required to a second base station system that performs wireless communications with the mobile station according to a second, different protocol; and
- exchange messaging with the second base station system through a link between the first and second base station systems to perform the handoff.

As conceded by the Office Action, “Dolan fails to explicitly describe that the first and second BS are of different vendors using different customized protocols.” 7/18/2007 Office Action at 3. It is noted that this statement in the Office Action refers to the teachings of Dolan, and not to the language recited in the claims. Nevertheless, it appears that what the Office Action is conceding, with respect to claim 24, is that Dolan fails to disclose a first base station system (that communicates according to a first protocol) determining if a handoff is required to a second base station system that performs wireless communications according to a second, different protocol, as recited in claim 24.

The Office Action further pointed to other passages of Dolan as providing the suggestion of claim features missing from Dolan. Specifically, the Office Action pointed to Figs. 1-4 and ¶¶ [0007]-[0009] and [0011] of Dolan. In particular, the Office Action stated that “Dolan describes that an invention to customized [sic] the wireless infrastructure by combining an interconnecting incompatible, vendor-specific (or non-upgraded) system components with rigid interconnection protocols” 7/18/2007 Office Action at 3. Based on this, the Office Action stated that “[i]t would have been obvious to one with ordinary skill in the art at the time of the invention by applicant to understand that the customization of Dolan’s network components includes the use of different vendor-specific base stations with different interconnection protocols.” *Id.*

Applicant respectfully disagrees that Dolan teaches or hints at use of base stations that communicate according to different protocols with the mobile station. Dolan does note that telecommunication equipment vendors “use rigid interconnection protocols and routinely dispose integral functions in a number of systems which must be accessed each time a call is processed.” Dolan, ¶ [0008]. As further noted in the same paragraph of Dolan, use of wireless telecommunications equipment is restrained, which raises the cost of doing business for wireless service providers. *Id.*

To address this issue, Dolan proposes the use of first and second packet interconnection protocols, where a first packet interconnection protocol “establishes an interface between a selection distribution unit (SDU) for performing frame selection and voice transcoding, and a base station interconnection processor for transmitting control information, signaling and user traffic to mobile stations.” *Id.*, ¶ [0010]. This is illustrated in Fig. 2 of Dolan, where a link 231 between the SDU 224 in the source base station 220 and the call controller 242 in the target base station 240 uses the second protocol, while the link 233 between the SDU 224 in the source base station and the interconnection processor 244 in the target base station uses the first protocol. *Id.*, ¶¶ [0022], [0025]. As noted by Dolan, the use of an SDU and the first and second packet interconnection protocols enhances flexibility. *Id.*, ¶ [0034]. Thus, the two protocols referred to in Dolan refers to a first protocol to communicate between an SDU and an interconnection processor of a base station, and a second protocol to communicate between the SDU and a call controller of a base station. The flexibility provided by the arrangement of Dolan allows a service provider “to position systems in a variety of locations within a wireless network.” *Id.*, ¶ [0011].

However, Dolan does not provide any hint of source and target base stations that communicate according to first and second protocols *with the mobile station*, as recited in claim 24. Also, the reference to “older” equipments in ¶ [0007] of Dolan does not provide any teaching or hint of base stations communicating according to different protocols with the mobile station. In view of the foregoing, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 24.

Independent claim 16 is allowable over Dolan for similar reasons as claim 24.

With respect to independent claim 1, Dolan fails to disclose determining if handoff is required from a first base station (associated with a first type of wireless system) to a second base station associated with a second, different type of wireless system, and sending a message from the first base station to the second base station in response to determining that the handoff is required. Therefore, it is respectfully submitted that a *prima facie* case of obviousness has also not been established with respect to claim 1.

Dependent claims, including newly added dependent claims 33-38, are also allowable for at least the same reasons as corresponding base claims. Moreover, in view of the allowability of base claims over Dolan, it is respectfully submitted that the obviousness rejection of dependent claims over Dolan and Bender has also been overcome.

In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0103US).

Respectfully submitted,

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Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883